

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

KINNIE MA IRA; JEFFERY S. GRAMM	§	
IRA; STACY GREASOR IRA; VICTOR	§	
WADE IRA; KAZUE BELL; DEAN	§	
CROOKS; CORRI RENE EDEN;	§	
CATHERINE KOMINOS; KAREN LOCH;	§	CAUSE No. 1:19-cv-01050-LY
ROBERT A. STONE LIVING TRUST;	§	
SHIRLEY STONE LIVING TRUST; THE	§	
STANLEY S. AND MILLICENT R.	§	
BARASCH LIVING TRUST; AND	§	
LORETTA DEHAY,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	
	§	
ASCENDANT CAPITAL, LLC, et al,	§	
	§	
<i>Defendants.</i>	§	
	§	

PLAINTIFFS' PROPOSED SCHEDULING ORDER

Pursuant to Rule 16, Federal Rules of Civil Procedure, the Court issues the following Scheduling Order, which is intended to cover the captioned litigation through such time as the Court issues a ruling on any Motion for Class Certification:

IT IS ORDERED THAT:

1. On or before **September 30, 2022**, the parties shall exchange initial disclosures, pursuant to Federal Rule of Civil Procedure 26(a), and shall file with the Court a Joint Report pursuant to Federal Rule of Civil Procedure 26(f). The parties shall commence discovery of merits and/or class certification issues within **fourteen (14) days** of the entry of this Order, however all deposition discovery during this initial phase of discovery shall primarily relate to class

certification, as set forth below in Paragraph 2. The parties shall complete all class-related discovery **on or before May 31, 2023**, except that any discovery of experts relating to class certification must be completed **by September 29, 2023**, as further explained below in Paragraph 3. Merits discovery will continue after the class certification motion has been filed.

2. During the period of discovery prior to the briefing of the Plaintiffs' motion for class certification, Plaintiffs and Defendants will make a good faith effort to only take depositions that primarily relate to class discovery, although the witness may be questioned on merits issues as well. The Parties will not take depositions that relate solely to merits without a showing of good cause.

3. The Parties shall identify, and conduct discovery of, any experts relating to class certification as follows:

- a. **By June 30, 2023**, Plaintiffs shall identify expert(s), if any, they seek to use in class certification proceedings, and shall serve on all other parties, but not file, the materials required by Federal Rules of Civil Procedure 26(a)(2)(B) for such expert(s);
- b. **By July 31, 2023**, Defendants shall complete discovery of Plaintiffs' expert's deposition and identify expert(s), if any, they seek to use in class certification proceedings, and shall serve on all other parties, but not file, the materials required by Federal Rules of Civil Procedure 26(a)(2)(B) for such expert(s);
- c. **By August 31, 2023**, Plaintiffs shall complete discovery of Defendants' expert and identify expert(s), if any, they seek to use on rebuttal in class certification proceedings, and shall serve on all other parties, but not file, the materials required by Federal Rules of Civil Procedure 26(a)(2)(B) for such expert(s);

d. Defendants shall complete discovery of Plaintiffs' rebuttal expert(s) **by September 29, 2023.**

4. After the motion for class certification has been fully briefed, the parties shall confer about a deadline for the completion of the remainder of merits and expert discovery and discovery limits, including, but not limited to, whether additional depositions or interrogatories are required, beyond any limits that may be set during this initial stage of discovery. The parties will include any such proposed revisions in a Proposed Supplemental Joint Scheduling Order, described in Paragraph 10 below.

5. (a) Plaintiffs shall file any motion for class certification **on or before October 31, 2023**; (b) Defendants' response(s) to Plaintiffs' motion for class certification shall be filed **on or before January 5, 2024**; and (c) Plaintiffs' reply in support of their class certification motion shall be filed **on or before March 11, 2024.**

6. Plaintiffs' motion for class certification shall be filed on a consolidated basis for all Plaintiffs, and Defendants shall make a good faith effort to file an omnibus or joint opposition(s) to the class certification motion wherever possible. Further, the title of any such opposition(s) shall identify each Defendant joining in any opposition. Any Defendant that joins an omnibus or joint opposition may file a supplemental brief of up to ten (10) pages addressing issues specific to that Defendant only. No later than fourteen (14) days prior to the date for Plaintiffs to submit their motion for class certification, the parties shall confer and submit to the Court, if necessary, a motion for leave to exceed the page limitations provided for in the Local Rules proposing page limits for Plaintiffs' opening brief, Defendants' response brief(s), and Plaintiffs' reply brief(s).

7. The parties asserting claims for relief shall submit a written offer of settlement to opposing parties on or before **August 1, 2023**, and each opposing party shall respond, in writing,

within thirty (30) days after the offer is received. All offers of settlement are to be private, not filed, and the Court is not to be advised of the same. The parties are further ORDERED to retain the written offers of settlement and responses as the Court will use these in assessing attorney's fees and court costs at the conclusion of trial.

8. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or **before twenty-eight (28) days prior to the filing of the Plaintiffs' Motion for Class certification.**

9. The parties may continue to conduct merits discovery while the Plaintiffs' motion for class certification is *sub judice*.

10. The Parties shall confer and **within forty-five (45) days** of the completion of briefing on Plaintiffs' motion for class certification file a Proposed Supplemental Joint Scheduling Order relating to the remainder of this consolidated action, including, *inter alia*, provisions relating to deadlines for filing amended or supplemental pleadings, to join additional parties, for designation of potential witnesses, testifying experts, and proposed exhibits, for filing dispositive motions and briefing thereon, and for the completion of discovery, and modification of any discovery limits.

11. The Parties may seek to amend any of the deadlines set forth in the above schedule for good cause shown.

SIGNED this _____ day of _____, 2022.

HONORABLE LEE YEAKEL
UNITED STATES DISTRICT JUDGE